

**State of California**  
**FISH AND GAME COMMISSION**  
**(916) 653-4899**  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

Meeting of  
November 16, 2011 (Wednesday)  
10:00 a.m.<sup>2</sup>

Veteran's Memorial Building  
Auditorium<sup>1</sup>  
112 West Cabrillo Blvd.  
Santa Barbara

**AGENDA**<sup>3</sup>

**ALL MEETINGS OPEN TO THE PUBLIC**

**NOTE: Items may be heard on either day and in any order pursuant to the determination of the Commission President.**

1. PUBLIC FORUM— Any member of the public may address and/or ask questions of the Commission relating to the implementation of its policies or any other matter within the jurisdiction of the Commission. The issue to be discussed should not be related to any item on the current agenda. As a general rule, action cannot be taken on issues not listed on the agenda. At the discretion of the Commission, staff may be requested to follow up on such items. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Commission. Please be prepared to summarize your comments to the time allocated by the President.
2. PRESENTATION OF RESOLUTION RECOGNIZING THE SOCIETY FOR THE CONSERVATION OF BIGHORN SHEEP.
3. DEPARTMENT OF FISH AND GAME PRESENTATION REGARDING: EFFORTS TO RESTORE STEELHEAD IN SOUTHERN CALIFORNIA.
4. CONSIDERATION AND POSSIBLE ACTION ON JUNE 14, 2011 REQUEST FROM ENVIRONMENTAL DEFENSE CENTER FOR THE COMMISSION TO TAKE EMERGENCY ACTION TO CLOSE THE SISQUOC, SESPE CREEK AND NORTH FORK MATILIJA CREEK WATERSHEDS TO FISHING IN ORDER TO COMPLY WITH THE FEDERAL ENDANGERED SPECIES ACT TO PROTECT STEELHEAD.

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<sup>1</sup> These facilities are accessible to persons with disabilities. To request reasonable accommodations for a disability, please contact California Relay Service at 1 (800) 735-2929 (TT) or 1 (800) 735-2922 (Voice) and ask them to contact the California Fish and Game Commission at (916) 653-4899.

<sup>2</sup> The Commission may break for lunch at approximately 12:00 noon.

<sup>3</sup> The public is encouraged to comment on any item on the agenda. In order for the Commission to adequately consider public comments, the public is requested to submit written comments no later than **ten** days prior to the meeting. Written comments received fewer than **ten** days preceding the meeting will be submitted to the Commission at the meeting; however, Commission staff is unable to deliver material received one day before and on the day of the meeting to the Commissioners when the meeting is not in Sacramento. Please send your comments to be received no later than two days before the meeting.

If you decide to speak at the Commission meeting, please begin by giving your name and affiliation (if any) and the number of people represented by your organization. Then tell the Commission your concerns. Time allotted for each agenda item depends upon the number of speakers for each item and the length of the agenda. The Commission is interested in your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several with the same concerns, please try to appoint a spokesperson. The Commission is particularly interested in the specific reasons you are for or against a proposal because the Commission's decision needs to be based on specific reasons.

If you would like to present handouts/written material to the Commission at the meeting, please provide eleven (11) copies.

5. CONSIDERATION OF PETITION TO LIST BLACK-BACKED WOODPECKER (*Picoides arcticus*).
  - (A) RECEIPT OF DEPARTMENT EVALUATION OF INFORMATION RECEIVED AFTER APRIL 15, 2011, AND RECOMMENDATION REGARDING INCIDENTAL TAKE.
  - (B) PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE , CONSIDERATION OF THE DEPARTMENT'S REVIEW AND RECOMMENDATION, AND POSSIBLE ACTION ON THE PETITION TO LIST BLACK-BACKED WOODPECKER AS A THREATENED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT. (Note: The Department's Initial Evaluation Report on the Petition was received and made available for public review at the March 2011 Commission meeting. The Department discussed the Petition and the Initial Evaluation Report and its analysis of additional information received from the Petitioners and the public. Opportunities for public comment on the Petition and the Department's Initial Evaluation Report have been provided at the April, June and August 2011 Commission meetings; additionally, written comments regarding this matter were received in the Commission office. At the August 2011 meeting, the Commission voted to continue this item until the October or November meeting and requested that the Department return to the meeting with an evaluation of all additional information received to date (i.e., from April 15, 2011 through August 3, 2011).
  - (C) PURSUANT TO SECTION 2084 OF THE FISH AND GAME CODE, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.7, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD. (Note: This item will only be considered if the Commission makes a finding in 5. (B) that listing Black-backed Woodpecker as a threatened species may be warranted.)
6. UPDATE ON THE FALCONRY REGULATION PROCESS AND ENVIRONMENTAL DOCUMENT.
7. CONSIDERATION OF 2012 REGULATORY CALENDAR AND POSSIBLE REGULATORY PROPOSALS.
8. DISCUSSION OF COMMISSION POLICY, RE: AGENDA – PART 2. DISCUSSION OF HOW ITEMS ARE PLACED AND REMOVED FROM COMMISSION MEETING AGENDAS.

9. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
  - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
  - (B) NEARSHORE FISHERIES PROGRAMS AND PERMITS.
  - (C) UPDATE ON PENDING REGULATIONS FOR RESTRICTED SPECIES SECTION 671.1, CCR, RE: INSPECTION AND FEES FOR CAPTIVE ANIMAL FACILITIES.
  - (D) WILDLIFE AND FISHERIES/ECOSYSTEM CONSERVATION DIVISION UPDATE.
  - (E) LAW ENFORCEMENT DIVISION UPDATE.
    - I. UPDATE ON PROGRESS OF TRIBAL IDENTIFICATION CARDS.
  - (F) OTHER.
10. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
  - (A) ITEMS THAT DID NOT MAKE AGENDA AND NEED TO BE RESCHEDULED.
    - I. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTION 238.5, TITLE 14, CCR, PRIVATE STOCKING PERMIT, REGULATORY PROPOSAL AND POSSIBLE COMMISSION ACTION. (Note: This item will be scheduled on the December 2011 meeting agenda.)
    - II. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTION 550, TITLE 14, CCR, RE: METHODS AUTHORIZED FOR TAKE OF RESIDENT SMALL GAME, BIG GAME, AND NONGAME BIRDS AND MAMMALS ON LANDS ADMINISTERED BY THE DEPARTMENT OF FISH AND GAME. (Note: This item will be scheduled for a meeting in 2012.)
    - III. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTIONS 401, 472, 475 AND 487, AND ADD SECTION 250.7, TITLE 14, CCR, RE: LEAD PROJECTILES, CONDOR RANGE. (Note: This item will be scheduled for a meeting in 2012.)
11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
  - (A) MARINE RESOURCES COMMITTEE.
    - I. REQUEST FOR GUIDANCE ON ISSUES DISCUSSED AT THE OCTOBER 19, 2011 COMMISSION MEETING.
      - a. CALIFORNIA HALIBUT
      - b. REPORT CARDS/ABALONE VIDEO
      - c. KELP
  - (B) BUDGET COMMITTEE.
  - (C) OTHER.

12. RECEIPT OF LEGISLATIVE REPORTS.
  - (A) DEPARTMENT OF FISH AND GAME REPORT.
13. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
14. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

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EXECUTIVE SESSION  
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.

- I. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
- II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
- III. KERN COUNTY WATER AGENCY vs. CALIFORNIA FISH AND GAME COMMISSION, DEPARTMENT OF FISH AND GAME, DEPARTMENT OF WATER RESOURCES RE: STATE WATER PROJECT AND CALIFORNIA ENDANGERED SPECIES ACT.
- IV. TACY LEE vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: DENIAL OF TRANSFER OF LOBSTER OPERATOR PERMIT.
- V. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
- VI. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE PROTECTION ACT.
- VII. MARILLEY vs. FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: COMMERCIAL FISHING PERMIT FEES.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.

- I. EDWARD SYLVESTER - DENIAL OF REINSTATEMENT OF COMMERCIAL FISHING LICENSE AND PERMITS.
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